

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

\_\_\_\_\_  
MICHAEL BUSH )

)  
)  
Plaintiff )

v. )

CIVIL ACTION NO:1:21-cv-12039-IT

)  
ACTON-BOXBOROUGH REGIONAL )  
SCHOOL DISTRICT and PETER LIGHT, )  
SUPERINTENDENT OF THE ACTON )  
BOXBOROUGH REGIONAL SCHOOL )  
DISTRICT )

)  
)  
\_\_\_\_\_  
Defendants )

**PLAINTIFF'S EMERGENCY MOTION FOR CONTINUANCE OF THE HEARING ON  
DEFENDANT'S MOTION TO DISMISS UNTIL THE WEEK OF APRIL 25, 2022 AND  
REQUEST FOR CONFIRMATION OF LIVE HEARING**

Now comes the Plaintiff and requests that this Court continue the hearing on the Motion to Dismiss now scheduled for Friday, April 8, 2022 at 3:30 pm to a date during the week of April 25, 2022, and that Court affirm that parties and interested observers can attend in person. As grounds for this request Plaintiff states as follows:

The parties received notice of the hearing on a dispositive motion less than 48 hours prior to the hearing, at a time which impacts Plaintiff's counsel's religious observances and which provides for very little preparation time. Equally, this is not a "private" dispute, but a matter of public interest in which members of the media and the community have expressed interest in possibly attending the hearing—48 hours' notice is not sufficient, and it has the effect of chilling public attendance by the general public who have a right to know of the hearing and to attend if they so choose. Plaintiff contends that there will be no harm in continuing this motion until the

week of April 25, 2022, which puts the matter after the week of Passover, when Plaintiff's counsel is not generally available.

Equally, there is no basis, compelling or otherwise, for the hearing being remote or virtual or anything but in-person; the Plaintiff does not consent to a remote hearing. Plaintiff has no objection to opposing counsel or the opposing party participating remotely for good cause shown, but Plaintiff contends that he cannot be excluded from in-court participation and in the hearing of his petition. Ironically, this is a lawsuit which specifically challenges denial of right to access for the purpose of public participation in a public space, and this motion similarly implicates rights of public access.

Plaintiff's counsel has exchanged emails with opposing counsel in compliance with Rule 7.1, and Defendant's counsel does not assent to this motion.

Respectfully submitted,  
**The Plaintiff**

By his attorney,

/s/Robert N. Meltzer  
Robert N. Meltzer, BBO #564745  
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Dated: April 7, 2022

CERTIFICATE OF SERVICE

I hereby certify that on this day I served a copy of the foregoing by mailing the same by the electronic filing system of the US District Court.

/s/Robert N. Meltzer

Dated: April 7, 2022